

Appl. No. : 09/486,167
Filed : August 15, 2000

C. with
~~comprising a polynucleotide more than 70% homologous to SEQ ID NO:1 or its complementary strand.~~

12. (Twice Amended) A diagnostic device comprising ~~[an element selected from the group consisting of the amino acid sequence of claim 1,]~~ the nucleotide sequence of claim [2]5, ~~[the antibody of claim 10, their portions and a mixture]or a portion~~ thereof.

13. (Twice amended) A method for the in vitro detection of lung injuries and diseases or oxidative stress-related diseases and disorders, comprising the steps of:

- C. 2*
- isolating a sample from a body fluid of a patient,
 - contacting said sample with ~~[an element selected from the group consisting of the amino acid sequence of claim 1,]~~ the nucleotide sequence of claim 5[, ~~the antibody of claim 10, their portions and a mixture]or a portion~~ thereof, and
 - detecting a reaction of a molecule present in said sample with said element.

14. (Twice Amended) A pharmaceutical composition comprising a pharmaceutically acceptable carrier and ~~[an element selected from the group consisting of the amino acid sequence of claim 1,]~~ the nucleotide sequence of claim 5[, ~~the antibody of claim 10, their portions and a mixture]or a portion~~ thereof.

Please add the following claims:

25. The diagnostic device of Claim 12 further comprising the amino acid sequence encoded by the nucleotide sequence of Claim 5 and/or an antibody which recognizes the amino acid sequence encoded by the nucleotide sequence of Claim 5.

C. 3
26. The method of Claim 13, further comprising, contacting said sample with the amino acid sequence encoded by the nucleotide sequence of Claim 5 and/or an antibody which recognizes the amino acid sequence encoded by the nucleotide sequence of Claim 5.

27. The pharmaceutical composition of Claim 14, further comprising, the amino acid sequence encoded by the nucleotide sequence of Claim 5 and/or an antibody which recognizes the amino acid sequence encoded by the nucleotide sequence of Claim 5

REMARKS

Claims 5 and 12-14 have been amended to remove the dependence on a non-elected claim. Claims 25-27 have been added. Support for added claims 25-27 can be found in the claims as filed. Claims 1-4 and 10-11 have been cancelled as drawn to a non-elected invention.

Appl. No. : 09/486,167
Filed : August 15, 2000

Applicants respectfully request that claims 13, 15, and 17-24 be rejoined upon allowance of the claims of group II.

Conclusion

Should there be any questions in reference to the above-captioned patent application, please contact the undersigned attorney at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/12/01

By: Mark R. Benedict
Mark R. Benedict
Registration No. 44,531
Attorney of Record
620 Newport Center Drive, Sixteenth Floor
Newport Beach, CA 92660
(949) 760-0404

H:\Docs\JAH\JAH-4090mrb.doc
020901